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Tarrant County Texas

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**D209220053**  
(Form No. 4090/2742)

4 Pages

**AMENDMENT OF OIL, GAS AND MINERAL LEASE**

Suzanne Henderson

Reference is made to Oil, Gas and Mineral Lease (the "Subject Lease") dated August 23, 2006, recorded as Document # 206295847, Official Public Records of Tarrant County, Texas, by and between Wal-Mart and Sam's Real Estate Business Trusts, as Lessor, and Vargas Energy, Ltd., as Lessee, covering the following described lands in Tarrant Counties, Texas (the "Subject Lands"):

*Wal-Mart #590*

*22.056 acres, more or less, out of the Reuben Burnett Survey, A-1922, and J. H. Shultz Survey, A-1941, and being the same land described in that certain Warranty Deed dated April 28, 2006, by and between Wal-Mart Stores Texas, LP, Grantor, to Wal-Mart Real Estate Business Trust, Grantee, recorded in Instrument #D206129141 of the Deed Records of Tarrant County, Texas.*

*Sam's #4742*

*15.90 acres, more or less, out of the John Heath Survey, A-641, Walter Houston Survey, A-744, E. H. Burke Survey, A-160, and being more fully described in that certain Warranty Deed dated December 19, 2000, by and between Sam's East, Inc., Grantor, and Sam's Real Estate Business Trust, Grantee, recorded in Instrument #D202364627 of the Deed Records of Tarrant County, Texas.*

The undersigned parties, who represent that they are the present owners and holders of all rights of Lessor and Lessee in the Subject Lease, desire to amend the Subject Lease as hereinafter provided.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the undersigned parties do hereby amend the Subject Lease as follows:

I.

The Subject Lease is amended by adding as Paragraph 17 of the Subject Lease the following provision:

**"17. If this lease now or hereafter covers separate tracts in which the ownership of the oil and gas estate differs with respect to such separate tracts, the inclusion of any such separately owned tracts in this single lease shall not result in the pooling or unitization of interests as between such lands and the interests therein and no community lease is intended or shall be implied."**

II.

For the same consideration, Lessor does hereby recognize, acknowledge and affirm that the Subject Lease, as herein amended, is in all respects in full force and effect insofar as such Lease covers the Subject Lands; and does hereby lease, let and demise the Subject Lands unto the Lessee named in the Subject Lease, its successors and assigns, on the same terms and provisions as set forth in the Subject Lease, as herein amended.

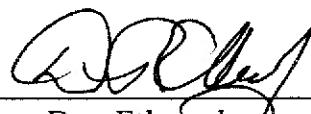

EXECUTED as of the respective acknowledgment dates of the signatory parties.

LESSOR

**WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust

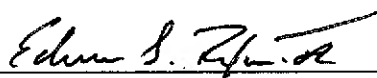

By:    
Name: Don Etheredge   
Title: Senior Director - Realty

**SAM'S REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust

By:    
Name: Don Etheredge   
Title: Senior Director - Realty 

LESSEE

**XTO ENERGY, INC.**

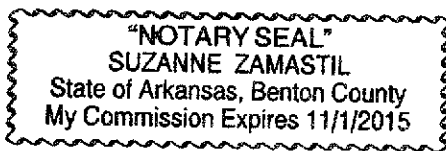
By:    
Name: EDWIN S. RYAN, JR.  
Title: SENIOR VICE PRESIDENT-LAND ADMINISTRATION

**ACKNOWLEDGEMENTS**

STATE OF ARKANSAS   §  
                                  §  
COUNTY OF BENTON   §

This instrument was acknowledged before me on <sup>August</sup> ~~July~~ 3, 2009, by Don Etheredge, Senior Director - Realty of **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust, on behalf of said trust.

SEAL

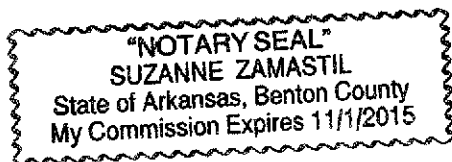


Suzanne Zamastil  
Notary Public, State of Arkansas

STATE OF ARKANSAS   §  
                                  §  
COUNTY OF BENTON   §

This instrument was acknowledged before me on <sup>August</sup> ~~July~~ 3, 2009, by Don Etheredge, Senior Director - Realty of **SAM'S REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust, on behalf of said trust.

SEAL



Suzanne Zamastil  
Notary Public, State of Arkansas

STATE OF TEXAS           §  
   §  
COUNTY OF Tarrant   §

This instrument was acknowledged before me on August 13, 2009,  
by Edwin S. Ryan Jr, Sr VP Land Administration of XTO ENERGY, INC. a Delaware  
corporation, on behalf of said corporation.

SEAL



Charla F. Wilkes  
Notary Public, State of Texas